

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MEDALLION TRANSPORT &
LOGISTICS, LLC,

Plaintiff,

v.

AIG CLAIMS, INC., GRANITE STATE
INSURANCE CO., and JAY CARMAN,

Defendants.

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NO. 2:16-CV-01016-JRG-RSP

ORDER

The Court referred the above entitled and numbered civil action to United States Magistrate Judge Roy S. Payne pursuant to 28 U.S.C. § 636. Now before the Court is the Report & Recommendation (Dkt. No. 85) by Magistrate Judge Payne, which recommends that Defendants' Motion for Summary Judgment (Dkt. No. 47) be granted-in-part. Defendants timely objected to the Report as it pertains to Plaintiff's Count II. Defs.' Obj. (Dkt. No. 90).

Having considered Defendants' Motion, the parties' related briefing, the Report & Recommendation, and Defendants' objections, the Court **ADOPTS** the Report & Recommendation (Dkt. No. 87) and **OVERRULES** Defendants' objections (Dkt. No. 90). The Court therefore **GRANTS** Defendants' Motion for Summary Judgment (Dkt. No. 17) as to Count I (Plaintiff's *Stowers* claim) and Count III (breach of contract against Granite State), and **DENIES** Defendant's Motion as to Count II (violations of the Texas Insurance Code).

So ORDERED and SIGNED this 3rd day of July, 2018.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE